IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.Nos.17049 and 17292 of 1999

TNEB Thozhilalar Aykkia Sangam,
rep. By its General Secretary,
33, Balaji Nagar 2nd Street,
Chennai-14. .. Petitioner in both the writ petitions.

Versus

Tamilnadu Electricity Board,
rep. By its Secretary,
800, Anna Salai,
Chennai-2. .. Respondent in both the writ petitions.

Prayer in W.P.No.17049 of 1999: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to permit the petitioner Union to participate in all the negotiations and discussions in the capacity as a centrally affiliated Union or in the alternative to direct the respondent to conduct a secret ballot to decide the bargaining agent for the purpose of negotiations and discussions relating to the service conditions of the workmen.

Prayer in W.P.No.17292 of 1999: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to conduct a secret ballot to decide the bargaining agent for the purpose of negotiations and discussions relating to the service conditions of the workmen.

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For petitioner : Mr.D.Hariparanthaman

For respondents : Mr.M.Vaidyanathan

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COMMON ORDER

Heard Mr.D.Hariparanthaman, the learned counsel appearing for the petitioners and Mr.M.Vaidyanathan, the learned standing Counsel appearing for the Tamil Nadu Electricity Board.

2. Since the facts and circumstances arising for consideration in both the above writ petitions are the same, a common order is passed.

3. It is stated that the petitioner Union is a Trade Union, registered under the Trade Unions Act, 1926, with Registration No.MDS 1956/90. The petitioner Union has been espousing the cause of its members who are workmen at various fora. Periodical talks are held with the Superintending Engineers of the respective Circles of the Tamil Nadu Electricity Board with regard to the various issues concerning the workmen.

3. It is further stated that there are about 40 registered Trade Unions in the Tamil Nadu Electricity Board. Eight of the forty Unions, including the petitioner Union, are centrally affiliated Unions. Four of the Unions are recognised by the Tamil Nadu Electricity Board under the Code of discipline. In spite of the petitioner Union being a Centrally affiliated Union, the Tamil Nadu Electricity Board had not included the petitioner Union in the circulars issued by it with regard to the list of Unions with which the negotiations and discussions would be held regarding the service conditions of its employees and other related issues. In spite of the several representations sent by the petitioner Union, the authorities of the Tamil Nadu Electricity Board had not considered the request of the petitioner Union. Hence, the petitioner has come before this Court by filing the present writ petitions, invoking Article 226 of the Constitution of India, seeking the reliefs as stated therein.

4. In the counter affidavits filed on behalf of the respondent, it is stated that the Tamil Nadu Electricity Board is a statutory Corporate Body constituted under Section 5 of the Indian Electricity (Supply) Act, 1948 and it has powers to make regulations and to formulate its own procedures for holding discussions with the Unions. The respondent is not under any statutory obligation to call all the Unions and Associations for discussions and negotiations with regard to the issues relating to its employes. Though the petitioner is a registered Union it is not a recognised Union. In such circumstances, the petitioner Union is not invited for discussions and negotiations, since most of the employees and their interests are represented through the major unions, which are called for discussions.

5. At this stage of the hearing of the writ petition, Mr.Hariparanthaman, the learned counsel appearing for the petitioner had submitted that the petitioner Union is being invited by the respondent for talks with regard to labour matters.

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6. In such circumstances, it is submitted that the petitioner Union cannot have a grievance to be espoused through these writ petitions, for the present. Therefore, it is submitted by the learned counsel appearing for the petitioner that no further orders are required to be passed in these writ petitions. Hence, these writ petitions are dismissed as not pressed. However, it is open to the petitioner to seek redressal of their grievances, if any, at a later stage, in the manner known to law. No costs.

csh

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Secretary,
Tamilnadu Electricity Board,
800, Anna Salai,
Chennai-2.

+2 ccs to Mr.D.Hariparanthaman, Advocate Sr.Nos.73035,73036.

+1 cc to Mr.M.Vaidhyanathan, Advocate Sr.No.73155.

MRD(CO)
DCP/10.1

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